

Council President James E. Woods
Vice President Jay G. Foy Council Member Jerry E. Beavers
Council Member Henry "Butch" Lynch Council Member Mark C. Uptegraph
Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster



Haverhill Town Council
Town Hall Council Chambers
Thursday ~ January 22, 2009
7:00 p.m.
AGENDA

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF THE AGENDA**
- V. APPROVAL OF THE CONSENT AGENDA**
 - a. Approval of the minutes of the January 8, 2009 Regular Town Council Meeting**
- VI. COMMENTS FROM THE PUBLIC**
- VII. COMMENTS FROM THE PALM BEACH SHERIFF'S OFFICE**
- VIII. SECOND READINGS AND PUBLIC HEARINGS**
- IX. FIRST READINGS AND PUBLIC HEARINGS:**
 - a. ORDINANCE NO. 373**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 30, SOLID WASTE, BY AMENDING SECTION 30-1, DEFINITIONS, AND SECTION 30-86, SCOPE OF ARTICLE, TO CHANGE THE TERM CONTRACTOR TO COLLECTOR AND TO DEFINE THE COLLECTOR AS THE FIRM OR ENTITY CONTRACTED WITH THE TOWN TO REMOVE SOLID WASTE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- b. ORDINANCE NO. 377**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING THE CHARTER IN AND FOR THE TOWN OF HAVERHILL UPON APPROVAL OF THE ELECTORS AT A REFERENDUM TO BE HELD AT THE GENERAL MUNICIPAL ELECTION ON MARCH 10, 2009, BY CHANGING THE TOWN OF HAVERHILL FORM OF GOVERNMENT FROM A COUNCIL - MAYOR FORM TO A COUNCIL - ADMINISTRATOR FORM OF GOVERNMENT; ELIMINATING THE POSITION OF MAYOR AS A SEPARATE ELECTED POSITION; PROVIDING FOR A MAYOR AND VICE-MAYOR TO BE APPOINTED FROM ONE OF THE EXISTING FIVE (5) COUNCIL MEMBERS AT THE FIRST MEETING AFTER EACH MUNICIPAL ELECTION; PROVIDING FOR THE APPOINTMENT OF A TOWN ADMINISTRATOR BY THE TOWN COUNCIL, SUBJECT TO ANNUAL APPROPRIATION, AND DESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE TOWN ADMINISTRATOR; DELETING THE REQUIREMENT THAT THE TOWN CLERK BE APPOINTED AND RATIFIED BY THE TOWN COUNCIL FOR A PERIOD OF FOUR YEARS; CONFIRMING THAT THE TOWN ADMINISTRATOR, CLERK AND TREASURER SHALL BE APPOINTED BY THE MAJORITY VOTE OF THE FULL TOWN COUNCIL; DELETING THE MAYOR'S VETO POWER OVER ORDINANCES; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENTS SHOULD THE AMENDMENTS BE APPROVED BY THE ELECTORS AT THE MARCH 10, 2009 ELECTION; SETTING FORTH THE FORM OF THE BALLOT QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

X. REPORTS

- a. Town Attorney**
- b. Consultants**
- c. Mayor' Report**
- d. Assistant Town Administrator/Town Clerk**
- e. Committee/Delegate Report**
- f. Treasurer's Report**

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**Haverhill Town Council
Town Hall Council Chambers
Thursday ~ January 22, 2009
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, January 22, 2009 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, President and Acting Mayor; Jay G. Foy, Vice President; Jerry E. Beavers, Council Member, Henry Lynch, Council Member and Mark C. Uptegraph, Council Member. Town Attorney John Foster, Town Engineer Jeff Renault, Code Enforcement Officer Joseph Roche and Town Clerk Janice C. Rutan were also present.

CALL TO ORDER

Council President Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Woods led the Pledge of Allegiance and the Invocation

ROLL CALL

The Clerk called the roll. All members were present.

APPROVAL OF THE AGENDA

The Town Clerk requested the Approval of the Consent Agenda be removed from the agenda. **A motion was then made by Council Vice President Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve the agenda as amended by removing the Approval of the Consent Agenda.**

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the January 8, 2009 Regular Town Council Meeting
(Removed from agenda)

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH SHERIFF'S OFFICE

(Deferred to later on the agenda as no one was present from The PBSO).

SECOND READINGS AND PUBLIC HEARINGS:

ORDINANCE NO. 373

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 30, SOLID WASTE, BY AMENDING SECTION 30-1, DEFINITIONS, AND SECTION 30-86, SCOPE OF ARTICLE, TO CHANGE THE TERM CONTRACTOR TO COLLECTOR AND TO DEFINE THE COLLECTOR AS THE FIRM OR ENTITY CONTRACTED WITH THE TOWN TO REMOVE SOLID WASTE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR

AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The title was read by Attorney Foster. Attorney Foster gave Staff's report.

There being no comment from the public, a motion was made by Council Member Lynch, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve Ordinance No. 373 on second reading.

ORDINANCE NO. 377

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING THE CHARTER IN AND FOR THE TOWN OF HAVERHILL UPON APPROVAL OF THE ELECTORS AT A REFERENDUM TO BE HELD AT THE GENERAL MUNICIPAL ELECTION ON MARCH 10, 2009, BY CHANGING THE TOWN OF HAVERHILL FORM OF GOVERNMENT FROM A COUNCIL - MAYOR FORM TO A COUNCIL - ADMINISTRATOR FORM OF GOVERNMENT; ELIMINATING THE POSITION OF MAYOR AS A SEPARATE ELECTED POSITION; PROVIDING FOR A MAYOR AND VICE-MAYOR TO BE APPOINTED FROM ONE OF THE EXISTING FIVE (5) COUNCIL MEMBERS AT THE FIRST MEETING AFTER EACH MUNICIPAL ELECTION; PROVIDING FOR THE APPOINTMENT OF A TOWN ADMINISTRATOR BY THE TOWN COUNCIL, SUBJECT TO ANNUAL APPROPRIATION, AND DESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE TOWN ADMINISTRATOR; DELETING THE REQUIREMENT THAT THE TOWN CLERK BE APPOINTED AND RATIFIED BY THE TOWN COUNCIL FOR A PERIOD OF FOUR YEARS; CONFIRMING THAT THE TOWN ADMINISTRATOR, CLERK AND TREASURER SHALL BE APPOINTED BY THE MAJORITY VOTE OF THE FULL TOWN COUNCIL; DELETING THE MAYOR'S VETO POWER OVER ORDINANCES; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE FOR THE CHARTER AMENDMENTS SHOULD THE AMENDMENTS BE APPROVED BY THE ELECTORS AT THE MARCH 10, 2009 ELECTION; SETTING FORTH THE FORM OF THE BALLOT QUESTION TO BE VOTED UPON AT SUCH ELECTION; PROVIDING A CONFLICTS CLAUSE, SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

The title was read by Attorney Foster. Attorney Foster gave Staff's report. Mr. Foster explained the amendment to the Charter was being proposed because presently, the Town was operating under a strong Mayor/Council form of government. This type of government was normally be found in larger municipalities where the strong Mayor, serving as the Chief Administrative officer for the Town would be a paid position. The Town of Haverhill's budget could not support that expense so typically and traditionally the duties and responsibilities fell to the Clerk.

Recognizing this, the Town Council adopted an ordinance calling for a Charter Amendment through Referendum that would reflect the way the Town has been doing business by moving from a strong Mayor/Council form of government to an

Administrator/Council form of government. The Town would continue to have a Mayor, appointed among the five sitting Council Members. The Appointed Mayor, under the proposed form of government would serve the Town ceremoniously and would sign contracts, etc.

He reported that the Administrator would be appointed by the Town Council and would serve at the pleasure of the Town Council.

Mr. Foster responded that the Council would not be required to take any formal action concerning the salary paid to the Mayor under the present form of government, because if the Charter amendment was approved by the voters, the position of strong Mayor would no longer exist.

Attorney Foster explained that the Council would appoint one position to perform the Administrative duties of the Town, however, there could be no dual office holding. Whatever position appointed by the Town Council to perform the duties, whether it be Clerk, Treasurer, Administrator or Mayor, that person could hold only one title while performing the duties and responsibilities of the chief Administrative officer of the Town.

Mr. Foster noted that this would be the second reading of Ordinance No. 377. The first reading was held on December 11, 2008.

Kirk Hobe, 1148 Palmetto Road. Mr. Hobe asked what the Town intended to do with the \$12,000 saved by not paying the Mayor's salary. He asked if the money would be returned to the residents as a credit to their property taxes.

Council President Woods explained the budgetary process to Mr. Hobe noting that the budgetary appropriations would be reduced, resulting in a benefit to the property owners. Attorney Foster suggested Mr. Hobe attend the budget hearings.

Ed Stalf, 5263 Belvedere Road. Mr. Stalf asked how much the Town would pay the Council Member serving in the capacity of Mayor. He also asked for the fund balance of the Town's accounts.

Attorney Foster explained to Mr. Stalf that under the proposed change, the Council person appointed Mayor would receive the same annual salary (\$3,600) as the other Council Members. He also noted that the residents of the Town had been given a false sense of security under the present form of government. People believed that when they elected a Mayor, they were electing a voice in government, and if the proposed change was approved, they would lose their voice in government. In reality, the Mayor elected by the voters never had a vote on Council and other the proposed form of government the appointed Mayor would have a vote.

He noted that the Town would be sending out an informational flyer to the residents which would explain in detail the proposed Charter amendment.

Council Vice President Foy reported on the background of the proposed amendment and commented that the fear of change may make the voters not want to vote for the amendment and as such, the Town should make every effort to educate the public on the proposed Charter Amendment.

A motion was then made Council Member Uptegraph and seconded by Council Member Lynch to approve Ordinance No. 377 on second reading.

Discussion followed. It was noted that the appointment of Mayor by the five Council Members would be for a one year term.

Clarification was given to the meaning of dual office holding.

The motion was then voted and passed unanimously (5-0).

PALM BEACH COUNTY SHERIFFS OFFICE

Deputy Campbell was present representing the Palm Beach County Sheriff's office. Deputy Campbell reported that there had been a call for service for a false alarm and a call for assistance in the repossession of a vehicle. Other than those two incidents, there had been no crime within the Town for six weeks.

REPORTS

Town Attorney

None.

Consultants

Town Engineer Jeff Renault was present. He reported that the topographic information for the Club Road sidewalk plan had been updated by the surveyor. He would be coming up with a working set of plans designed around an eight foot wide asphalt sidewalk. He noted the County's all purpose sidewalks could go to eleven feet.

Discussion followed. The Town Attorney suggested the sidewalks be as wide as possible to support the Town's response to the County's 2035 roadway plan.

Mr. Renault reported that the path would begin along the south side of Club Road and would narrow to five feet before it crossed over to the north side of the road. There was a possible bottleneck due to the placement of a Bellsouth communication box. Mr. Renault offered suggestions as to how to work around the box.

The Town Council requested the Engineer attend the February 10, 2009 workshop allowing additional time for plan review.

Mr. Renault then reported on the proposed price submitted by DS Eakins for the Town Hall lift station. The Council would like specifics as to who the Town would be piggy-backing off of, and the breakdown of actual cost.

Attorney Renault would follow up with DS Eakins.

Mayor' Report

Acting Mayor Woods reported on the status of the lease agreement between the Town of Haverhill and Metro PCS. The Town Council had already authorized the Mayor and Attorney to act on the Town's behalf in this regard.

Assistant Town Administrator/Town Clerk

The Town Clerk reported that through the Town's insurance carrier, PGIT, appraisals had been performed on Town buildings with a value higher than \$100,000. The appraisals brought in a much higher value than present coverage. The change in value would be effective for the next fiscal year, and according to the Town's agents, would not result in a rate increase.

Committee/Delegate Report

Council Vice President Foy commented that he intentionally not called a meeting of the Code and Ordinance Committee in light of the many Ordinances coming before the Town Council for approval.

Council Vice President Foy commented on his recent appointment to the Water Resources Task Force through the Palm Beach County League of Cities.

Treasurer's Report

(Included in Packet)

UNFINISHED BUSINESS

Council Vice President Foy reported that the Department of Environmental Protection had not yet issued the NPDES the permit.

NEW BUSINESS

Attorney Foster reported that the Town would need to update maps to accompany the land use plan amendments and incorporate the recently annexed areas. The Town Clerk agreed to work with the County and Planner to determine the best course of action.

Council Member Beavers reported on recouping lost revenue from business tax licenses. The Clerk reported that the Town works with the League of Cities in that regard.

The Town Clerk reported that Florida Public Utilities and Palm Beach County Water Utilities were attempting to install utilities down Palmetto Road to the elementary school on Stacy Street. Because of the Interlocal Agreement between the Town and the School Board prohibiting any construction traffic on Town Roads accessing the school property that matter has been put on hold.

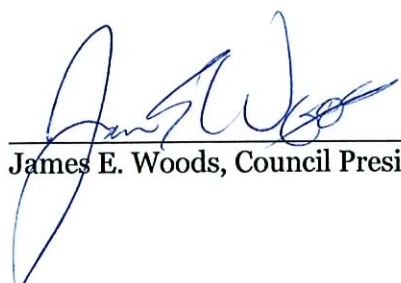
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 8:00 p.m.

Approved:

2.12.2009
Date


Janice C. Rutan, CMC, Town Clerk


James E. Woods, Council President